

**PETER D. DOCHINEZ,
BLACK DIAMOND ENERGY, INC.
and BLACK DIAMOND ENERGY
OF DELAWARE, INC.,**

V.

Defendant.

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Even assuming that one or more of the limited partnerships resulted in the joinder of a non-diverse party, the limited partnerships were permitted to join in the motion to enforce pursuant to the transfer of interest that would occur upon the granting of that motion. The limited partnerships were not indispensable or necessary parties at any time under Federal Rule of Civil Procedure 19. Nor are they parties that had or would have any underlying claim or cause of action in this lawsuit. Defendant was served with the motion; it understood the joinder to be solely for the purpose of effectuating the settlement agreement; and the transferring of the benefits to the limited partnerships upon execution of the settlement agreement constituted a transfer of interest within the scope of Fed. R. Civ. P 25(c), thereby permitting the joinder of the limited partnerships thereunder. As such, diversity jurisdiction existed when the action was filed and the addition of the limited partnerships solely for the purpose of completing the transfer of

interest sought to be achieved through the settlement agreement was within the joinder permitted by Freeport-McMoRan, Inc. v. KN Energy, Inc., 498 U.S. 426 (1991) (per curiam).

s/ David Stewart Cercone
David Stewart Cercone
United States District Judge

cc: Michael Kaminski, Esquire

Albert Zangrilli, Esquire
Michael Yukevich, Esquire

(Via CM/ECF Electronic Mail)